

# DECLARATION

## UTILITY APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **POROUS METAL OXIDE MATERIAL IN FLAKE FORM, METHOD FOR PRODUCING THE SAME AND COSMETIC COATING MATERIAL, RESIN COMPOSITION, INK COMPOSITION AND PAPER COMPRISING THE SAME**, the specification of which

### CHECK ONE

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as  
Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_  
(if applicable)

I have read the applicable statutes and rules reprinted on the attached page of this declaration which I understand to describe subject matter which is material under 37 C.F.R. § 1.56(a).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate(s) or § 365 of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Application Number | Country | Date of Filing | Priority Claimed |    |
|--------------------|---------|----------------|------------------|----|
|                    |         |                | Yes              | No |
| 2002-171010        | Japan   | 11 June 2002   | X                |    |
| PCT/JP03/07466     | PCT     | 11 June 2003   | X                |    |

I hereby claim the benefit under Title 35, United States § 119(e) of any United States provisional application(s) listed below.

| Application Number | Date of Filing |
|--------------------|----------------|
| N/A                |                |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

| Application Number | Date of Filing | Status -Patented, Pending, or Abandoned |
|--------------------|----------------|---|
| PCT/JP03/07466     | 11 June 2003   | Pending                                 |

### APPLICABLE STATUTES & RULES

#### 37 C.F.R. § 1.56 - DUTY OF DISCLOSURE; FRAUD; STRIKING OR REJECTION OF APPLICATIONS

(a) A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

Information relating to the following factual situations enumerated in 35 U.S.C. § 102 and § 103 should be considered material under 37 C.F.R. § 1.56(a):

A person shall be entitled to a patent unless --

- (a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or

(d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months before the filing of the application in the United States, or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or

(f) he did not himself invent the subject matter sought to be patented, or

(g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

#### 35 U.S.C. § 103 - CONDITIONS FOR PATENTABILITY; NON-OBVIOUS SUBJECT MATTER

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

#### 35 U.S.C. § 119 - BENEFIT OF EARLIER FILING DATE IN FOREIGN COUNTRY; RIGHT OF PRIORITY (Applicable Portion)

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for a patent for the same invention in a foreign country which affords similar privileges shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed; but no patent shall be granted on any application for patent for an invention which has been patented or described in a printed publication in any country more than one year before the date of the actual filing of the application in this country, or which had been in public use or on sale in this country more than one year prior to such filing.

#### 35 U.S.C. § 120 - BENEFIT OF EARLIER FILING DATE IN THE UNITED STATES

An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, by the same invention shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.

#### 35 U.S.C. § 112 - SPECIFICATION (Applicable Portion)

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

I hereby appoint as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Otto O. Lee, Reg. No. 37,871, Debbie Chun, Reg. No. 38,700, Naren Chaganti, Reg. No. 44,602, Junecko C. Jackson, Reg. No. 48,870, and Justin Chen, Reg. No. P-52730.

Send Correspondence to: Intellectual Property Law Group LLP  
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Direct Telephone Calls to:  
Otto O. Lee  
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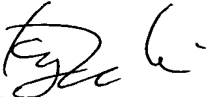
|      |   |  |                       |  |                                     |
|------|---|--|-----------------------|--|-------------------------------------|
| 1-02 | FULL NAME <b>FIRST Name</b><br>OF INVENTOR<br><u>Koji</u>   |  | Middle<br>Initials(s) | <b>LAST Name</b><br><u>YOKOI</u>       |                                     |
|      | RESIDENCE & City<br>CITIZENSHIP<br><u>Osaka-shi</u>   | State or Foreign Country<br><u>Osaka</u> |                       | Country of Citizenship<br><u>Japan</u> |                                     |
|      | POST OFFICE ADDRESS<br>c/o NIPPON SHEET GLASS COMPANY,<br>LIMITED,<br>7-28, Kitahama 4-chome, Chuo-ku | City<br><u>Osaka-shi</u>                 |                       | State or Country<br><u>Osaka Japan</u> | Zip<br>Code<br><u>541-<br/>8559</u> |

|     |  |                          |                       |                        |             |
|-----|--|--------------------------|-----------------------|------------------------|-------------|
| 202 | FULL NAME <b>FIRST Name</b><br>OF INVENTOR |                          | Middle<br>Initials(s) | <b>LAST Name</b>       |             |
|     | RESIDENCE & City<br>CITIZENSHIP            | State or Foreign Country |                       | Country of Citizenship |             |
|     | POST OFFICE ADDRESS<br>Post Office Address | City                     |                       | State or Country       | Zip<br>Code |

|     |  |                          |                       |                        |             |
|-----|--|--------------------------|-----------------------|------------------------|-------------|
| 203 | FULL NAME <b>FIRST Name</b><br>OF INVENTOR |                          | Middle<br>Initials(s) | <b>LAST Name</b>       |             |
|     | RESIDENCE & City<br>CITIZENSHIP            | State or Foreign Country |                       | Country of Citizenship |             |
|     | POST OFFICE ADDRESS<br>Post Office Address | City                     |                       | State or Country       | Zip<br>Code |

|     |  |                          |                       |                        |             |
|-----|--|--------------------------|-----------------------|------------------------|-------------|
| 204 | FULL NAME <b>FIRST Name</b><br>OF INVENTOR |                          | Middle<br>Initials(s) | <b>LAST Name</b>       |             |
|     | RESIDENCE & City<br>CITIZENSHIP            | State or Foreign Country |                       | Country of Citizenship |             |
|     | POST OFFICE ADDRESS<br>Post Office Address | City                     |                       | State or Country       | Zip<br>Code |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

|   |
|---|
| Signature of Inventor<br><b>201</b>   |
|  |
| Date<br><i>11 May, 2004</i>   |

|                                     |
|-------------------------------------|
| Signature of Inventor<br><b>202</b> |
|                                     |
| Date                                |

|                                     |
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| Signature of Inventor<br><b>203</b> |
|                                     |
| Date                                |

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| Signature of Inventor<br><b>204</b> |
|                                     |
| Date                                |

(Signatures should conform to names as presented at 201 *et seq.* above.)

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: YOKOI, Koji

Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: \_\_\_\_\_

Entitled: Porous Metal Oxide Material In Flake Form, Method For Producing The Same And Cosmetic, Coating Material, Resin Composition,.... Comprising The Same

NIPPON SHEET GLASS COMPANY, LIMITED, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or2. ☐ an assignee of less than the entire right, title and interest.The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
in the patent application/patent identified above by virtue of either:A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.☐ Additional documents in the chain of title are listed on a supplemental sheet.☒ Copies of assignments or other documents in the chain of title are attached.

(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

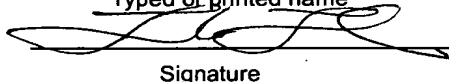
12/6/2004  
Date

408-286-8933

Telephone number

Juneke Jackson

Typed or printed name



Signature

Patent Attorney

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.